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FILED

Date 7/14/15 By Susan Saylor

8
9 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
Probation Against:

Case No. 2013-23

13 **ABRAHAM NATHAN RUIZ**
14 **4458 Kansas Street #9**
San Diego, CA 92116

PETITION TO REVOKE PROBATION

15 **Applicator License No. RA 54922**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Susan Saylor (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Registrar/Executive Officer of the Structural Pest Control Board,
22 Department of Consumer Affairs.

23 2. On or about September 16, 2013, the Structural Pest Control Board issued Applicator
24 License Number RA 54922 to Abraham Nathan Ruiz (Respondent). The Applicator License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on June
26 30, 2017, unless renewed.

27 3. In a disciplinary action entitled "*In the Matter of the Statement of Issues Against*
28 *Abraham Nathan Ruiz*," Case No. 2013-23, the Structural Pest Control Board issued a Decision

1 and Order effective September 16, 2013, in which Respondent's Applicator License was revoked.
2 However, the revocation was stayed and Respondent's Applicator License was placed on
3 probation for three (3) years with certain terms and conditions. A copy of that Decision and
4 Order is attached as Exhibit A and is incorporated by reference.

5 JURISDICTIONAL, STATUTORY & REGULATORY PROVISIONS

6 4. This Petition to Revoke Probation is brought before the Structural Pest Control Board
7 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
8 references are to the Business and Professions Code (Code) unless otherwise indicated.

9 5. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or
10 revoke a license when it finds that the holder, while a licensee or applicant, has committed any
11 acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a
12 civil penalty.

13 6. Probation Term and Condition Number 7 of the Order states:

14 Should Respondent violate probation in any respect, the Board, after giving
15 Respondent notice and an opportunity to be heard, may revoke probation and carry out
16 the disciplinary order which was stayed. If a petition to revoke probation is filed against
Respondent during probation, the Board shall have continuing jurisdiction until the
matter is final, and the period of probation shall be extended until the matter is final.

17 7. Section 8625 of the Code provides, in pertinent part, that the lapsing or suspension of
18 a license or company registration by operation of law or by order or decision of the board or a
19 court of law, or the voluntary surrender of a license or company registration shall not deprive the
20 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
21 against such licensee or company, or to render a decision suspending or revoking such license or
22 registration.

23 8. Section 8567 of the Code states:

24 Should a field representative or applicator change his or her employment, or
25 should an operator enter the employ of a registered company, or being already employed
26 by a registered company change his or her employment, or being employed by a
27 registered company leave that employment and enter the pest control business on his or
her own behalf, he or she shall notify the registrar on a form prescribed by the board and
issued by the registrar in accordance with rules and regulations adopted by the board.
The registrar shall register the change in his or her records.

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1 9. California Code of Regulations, title 16, section 1911 states:

2 Each operator, field representative and applicator shall file his or her address of
3 record with the board and shall notify the board of any change in address within ten (10)
4 days of such change. The address of record of a field representative, an operator or an
5 applicator shall be the address of the registered company by which he or she is employed
6 or with which he or she is associated or his or her residence address if he or she is not
7 employed and associated.

8 Each licensee shall also file his or her address for mailing purposes with the board
9 and shall notify the board of any change in address within ten (10) days of such change.

10 10. California Code of Regulations, title 16, section 1937.12 states:

11 (a) Whenever a proposed decision places a licensee or registered company on
12 probation as a condition of staying a revocation or staying all or any portion of a
13 suspension, the order granting such probation shall include at least the following
14 conditions:

15 (1) That the licensee or registered company shall file quarterly reports with the
16 board during the period of probation;

17

18 FIRST CAUSE FOR REVOCATION OF LICENSE

19 (Obey All Laws)

20 11. At all times after the effective date of Respondent's probation, Condition 1 stated:
21 "Respondent shall obey all federal, state and local laws, along with all laws and regulations
22 relating to the practice of structural pest control."

23 12. Respondent's probation is subject to revocation because he failed to comply with
24 Probation Condition 1, referenced above. The circumstances are that Respondent failed to file a
25 change of address within ten days of such change. Respondent left two former employers without
26 notifying the Board of his disassociation and/or change of address with either employer in
27 violation of California Code of Regulations, title 16, section 1911, and section 8567 of the Code.

28 SECOND CAUSE TO REVOKE PROBATION

(Quarterly Reports)

13. At all times after the effective date of Respondent's probation, Condition 2 stated:
"Respondent shall file quarterly reports with the Board during the period of probation."

14. Respondent's probation is subject to revocation because he failed to comply with
Probation Condition 2, referenced above. The facts and circumstances are that in a letter dated

1 August 17, 2013, a Disciplinary Action Analyst from the Board notified Respondent that as part
2 of the stipulated settlement, he was required to file quarterly reports with the Board. The letter
3 enclosed the report format to be used by Respondent. Respondent was notified that his first
4 quarterly report was due no later than one week from the end of the reporting period, which was
5 December 16, 2013, then every three months thereafter. The Board received Respondent's first
6 quarterly report on December 17, 2013. No further quarterly reports have been received.

7 **OTHER MATTERS**

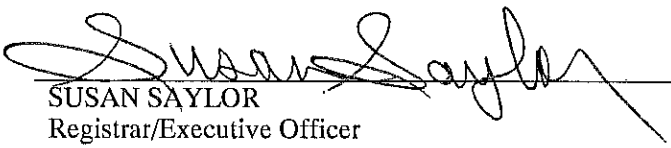
8 15. Pursuant to section 8654 of the Code, if discipline is imposed on Applicator License
9 Number RA 54922 issued to Respondent, Abraham Nathan Ruiz shall be prohibited from serving
10 as an officer, director, associate, partner, qualifying manager, or responsible managing employee
11 for any registered company during the time the discipline is imposed, and any registered company
12 which employs, elects, or associates Abraham Nathan Ruiz shall be subject to disciplinary action.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
15 Petition to Revoke Probation, and that following the hearing, the Structural Pest Control Board
16 issue a decision:

- 17 1. Revoking the probation that was granted by the Structural Pest Control Board in Case
18 No. 2013-23 and imposing the disciplinary order that was stayed thereby revoking Applicator
19 License No. RA 54922 issued to Abraham Nathan Ruiz;
- 20 2. Revoking or suspending Applicator License No. RA 54922, issued to Abraham
21 Nathan Ruiz;
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 7/14/15

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25 SUSAN SAYLOR
26 Registrar/Executive Officer
27 Structural Pest Control Board
28 Department of Consumer Affairs
State of California
Complainant

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